



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Planning Board
FROM: Planning, Preservation, & Zoning Staff
SUBJECT: 518-524 Somerville Ave, P&Z 21-063
POSTED: May 13, 2022

RECOMMENDATION: Approve with Conditions (SP for Cannabis Retail Sales Use)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the development review application submitted for 518-524 Somerville Ave, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on March 28, 2022, and is scheduled for a public hearing on May 19, 2022. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

Nuestra, LLC, DBA The Boston Garden Dispensary, proposes to establish a Cannabis Retail Sales use in the Mid-Rise 4 District, which requires a Special Permit.

SUMMARY OF PROPOSAL

Nuestra LLC, DBA The Boston Garden Dispensary, is proposing to establish a Cannabis Retail Sales principal use. The proposed development will produce 2 short-term bicycle parking spaces.

ADDITIONAL REVIEW NECESSARY

518-524 Somerville Ave is located on a Pedestrian Street in the Mid-Rise 4 (MR4) zoning district in the Spring Hill neighborhood represented by Ward 2 Councilor JT Scott. Establishing a Cannabis Retail Sales use in the MR4 district requires a Special Permit. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the MR4 zoning district.

The proposal will also require approval of the signage and modification to the ground story façade, including the modification or addition of any building components. These changes will require Minor Site Plan Approval, which can be handled administratively by

the Director of Planning, Preservation, & Zoning in accordance with the Planning Board's Rules of Procedure once sufficient information has been provided.

NEIGHBORHOOD MEETINGS

The required neighborhood meeting was hosted by Ward 2 Councilor JT Scott and the applicant on October 13, 2021, via an online meeting platform.

ANALYSIS

At the neighborhood meeting held by the Applicant, the primary zoning-related concerns that Staff heard were regarding traffic and parking. The proposed location is not within a Transit Area; it is approximately 0.75mi from the Porter Square Red Line Station, and 0.68mi from the Union Square Green Line Station. However, there are two bus routes that run along Somerville Ave and connect this location to both the Red and Green Lines. The property has no off-street parking and is not required to provide any by the Ordinance. The proposal's lack of motor vehicular parking was discussed at the neighborhood meeting, and an attendee asked if the Applicant could work with the newly built hotel at 515 Somerville Ave to share parking. As lack of dedicated parking did not appear to be a significant concern at the neighborhood meeting, Staff have not recommended a condition that the Applicant explore securing dedicated off-street parking.

While parking is not required, it is required that the proposed use have a loading facility sufficient to serve its needs. The Applicant's TAP indicates that they will seek to convert one of the metered on-street parking spaces currently along Somerville Ave into a loading area. The Mobility Division supports the proposed loading area, but the TAP does not indicate the size of delivery vehicles that will be using this area and Mobility Staff was unable to evaluate whether the proposed loading area is sufficient to serve the loading needs of the use. Staff reached out to the Applicant in late April to request this information, but the Applicant has not yet provided it.¹ Although the Somerville Traffic Commission has jurisdiction to approve establishment of this loading area, Staff has recommended a condition requiring the Applicant to update the submitted TAP to identify a loading area sufficient to serve the largest delivery vehicle type anticipated for this use.

In order to allow a one-way flow of traffic through the sales floor, the Applicant is proposing to modify the building's Somerville Ave façade to create a second door closer to the intersection with Park Street. This new door would lead into a reception/check-in area which would be fully visible from the sidewalk. Customers would pass through this reception area into the sales floor on the left side of the building; the sales floor will be visually hidden from the street using window display cases. The Applicant is planning to fill this window display with faux greenery. Staff appreciates that the Applicant has used

¹ The Applicant did provide an updated TAP at Staff's request, but it is not clear what about the TAP was updated, and the document did not include the information that Staff requested be included (namely, the dimensions of the delivery vehicle).

a blend of approaches to activating the Somerville Ave façade, rather than relying solely on the use of display windows which, while permitted, tend to be less engaging than a reception area. While Staff have not yet received sufficient information to confirm that the proposed changes to the façade are compliant with the Ordinance (something that will be done administratively through the Minor Site Plan Approval process), based on the information Staff has received so far there are no obvious issues with the design that would require significant changes in order to be compliant.

CONSIDERATIONS & FINDINGS

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

Special Permit Considerations

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
4. Location, visibility, and design of the principal entrance.

Information relative to the required considerations is provided below:

Special Permit for a Cannabis Retail Sales Use

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The proposal will help to achieve the following goals from SomerVision 2040, the City's Comprehensive Master Plan:

- Promote municipal financial self-determination and reduce fiscal dependence on state aid and residential taxes and fees.
- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.

In addition, the proposal will help achieve the goals of the Union Square Neighborhood Plan, including the following:

- The City should utilize land use planning and zoning to increase the commercial tax base.
- The City should promote job creation, with a goal of reaching a one-to-one ratio between jobs and resident workforce in Somerville within the next 20 years.

2. *The intent of the zoning district where the property is located.*

The intent of the MR4 zoning district is, in part: “To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses.”

3. Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.

The Transportation Impact Study (TIS) submitted as part of this proposal indicates that the proposed use will not have a significant negative impact on pedestrian, bicycle, vehicular, or public transit networks in the surrounding area. To further reduce potential negative impacts, Nuestra proposed a number of transportation demand management strategies in their TIS; Staff believes that the implementation of these strategies, along with the additional strategies recommended by Staff as conditions, will mitigate any negative impacts this project may have on the surrounding thoroughfare network.

4. Location, visibility, and design of the principal entrance.

The principal entrance is on a stretch of Somerville Ave which is designated as a Pedestrian Street. The Applicant is proposing to create a new door on the right side of the Somerville Ave façade that customers will enter through and will be utilizing an existing doorway on the left side of the Somerville Ave façade that customers will exit the sales floor through. The right-most door will be the principal entrance and will be marked by signage and a canopy. The windows into the waiting area on the right side will allow full visual access into that area, and the windows on the left side will use display cases to block the public’s view of the sales floor.

PERMIT CONDITIONS

Should the Board approve the required Special Permit to establish a Cannabis Retail Sales use, Planning, Preservation & Zoning Staff recommends the following conditions:

Mobility

- As voluntarily committed to in the TIS, Nuestra LLC shall conduct a Road Safety Audit of Somerville Ave between its intersection with Central St and with Properzi Way, inclusive of those intersections. The Director of Mobility may, at their discretion, waive this requirement.
- Nuestra LLC shall submit an updated Transportation Access Plan (TAP), subject to review and approval by the Director of Mobility, which identifies a loading area within three hundred (300) feet of 518-524 Somerville Ave sufficient to serve the largest delivery vehicle type anticipated for this use.
- Two (2) additional short-term bicycle parking spaces must be provided in accordance with Section 11.1 Bicycle Parking of the Somerville Zoning Ordinance.

- Traffic counts must be taken in the TIS study area during April, May, September, or October and submitted to the Mobility Division.
- Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.
- Any change to the means of sales requires a new Transportation Impact Study (TIS). The scope of the TIS must be approved by the Director of Mobility.
- As voluntarily committed to in the TIS, Nuestra, LLC shall post bus schedule information for employees in an easily accessible location.
- As voluntarily committed to in the TIS, Nuestra, LLC shall designate a TDM coordinator.
- Nuestra, LLC shall commit to annual monitoring and reporting of the appointment-only recreational marijuana operations model. The annual report shall include at least the following information:
 - A statistically valid travel surveys of employees and customers
 - A status update on the implementation of all TDM measures.
- Nuestra, LLC shall direct all deliveries to occur outside of 7:30am to 9:30am on weekdays; 4:30pm to 6:30pm on weekdays; and 11am to 1pm on Saturdays to every extent practicable.
- Nuestra, LLC shall post information about non-vehicular services available in the area on the website and in materials posted at the store.
- Nuestra, LLC shall provide a TransitScreen (or its substantial equivalent) displaying real time MBTA and bike share information in a location that is visible to customers.
- Nuestra, LLC shall provide incentives to customers who take non-vehicular or public transportation modes to the site.
- Nuestra, LLC shall provide employees 100% subsidized Bluebikes public bikeshare memberships, subject to annual rate increases.
- Nuestra, LLC shall provide employees 100% subsidized MBTA passes, or up to the federal maximum Qualified Transportation Fringe benefits per current U.S. Internal Revenue Code (\$270 per month in 2021), subject to annual increases.

Permit Validity

- Approval is limited to Nuestra, LLC and is not transferable to any successor in interest.
- This Decision must be recorded with the Middlesex South Registry of Deeds.
- This permit is valid subject to Nuestra, LLC having a fully executed and active Host Community Agreement with the City of Somerville.
- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Public Record

- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.
- One (1) physical copy of the original application materials and one (1) digital and (1) physical copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record.